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# State of South Carolina State Ethics Commission

GARY R. BAKER  
EXECUTIVE DIRECTOR

## NEWSLETTER

February 1985

No. 85-002

### 1985 FORMS MAILED

The Statement of Economic Interests forms for 1985 were mailed on January 3 to all public officeholders whose names have been provided by the public agencies. The new forms include a filer's copy which can be retained by the person filing the form as a record. The forms are to be filed prior to April 15, 1985. Any person who is required to file the form but has not received the form should contact the Commission office for a copy of the proper form.

Those persons required to file the Statement of Economic Interests, regardless of compensation, are:

- (1) All elected officials of the state, counties, municipalities, and political subdivisions\*
- (2) All candidates for public elective office
- (3) Any person appointed to fill the unexpired term of an otherwise elective office
- (4) All employees of regulatory agencies who are associated with a regulated business
- (5) Salaried members of state boards, commissions, or agencies
- (6) The chief administrative official or employee of

each state agency or department, and of each county, municipality, and political subdivision\*

- (7) The deputy administrative official or employee of each state agency or department
- (8) The director of each separate institution or facility of a state agency or department
- (9) All county board of education and school district board members
- (10) All county and school district superintendents of education
- (11) The chief financial official or employee of each state agency or department, and each county, municipality, and political subdivision\*
- (12) The chief purchasing official or employee of each state agency or department and each county, municipality, and political subdivision\*
- (13) All members of the judiciary

\*Political Subdivision includes but is not limited to school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions.

### REPORT ON PUBLIC FINANCING

The Commission staff has prepared a report on public financing of political campaigns. The report is an overview of the issues facing drafters of legislation to provide a public financing mechanism in South Carolina.

The report reviews the elements of a public financing program to include the collection and distribution of funds, the races to be covered, limitations on expenditures and contributions, and the potential impact on elections here in South Carolina. The report also includes an appendix including several pieces of material explaining public financing and the provisions in those states which presently have some form of public financing.

The report also contains a proposed bill which provides for a \$2 checkoff on the income tax filing. Candidates seeking public funds must obtain small contributions of \$100 or less and reach a certain threshold amount based upon the position sought. The public financing grants will be matched at \$1 for every \$2 of qualifying contributions. Expenditure limitations are also established, dependent upon the position sought.

Copies of the Report on Public Financing may be obtained from the Commission office.



# DIGEST OF ADVISORY OPINIONS

SEC 85-014

November 21, 1984

**SUBJECT: PLANNING COMMISSION CHAIRMAN  
WITH INTEREST IN COMMISSION BUSINESS**

A planning commission chairman with timber interests is advised against participating in matters which will affect this business. He is further advised against utilization of confidential information to affect commission actions and against utilization of his official position to influence commission actions as they relate to his business interests.

Requestor: Bryan O. Sorenson

Entity: Berkeley County

SEC 85-017

November 21, 1984

**SUBJECT: MAYOR WITH INTEREST IN REZONING  
MATTER**

A mayor whose realty firm has an interest in a rezoning matter is prohibited from participation in the discussions and votes on the matter when it comes before city council since there is a direct and substantial financial interest involved.

Requestor: Henry C. Chambers, Mayor

Entity: City of Beaufort

SEC 85-015

November 21, 1984

**SUBJECT: PLANNING COMMISSION MEMBER  
VOTING ON MATTER AFFECTING FATHER-IN-LAW**

A planning commission member is not prohibited by the State Ethics Act from participating in commission actions which affect his father-in-law's business. The State Ethics Commission has advised in earlier opinions that, while not prohibited by the letter of the law, the participation was advised against to preclude the appearance of impropriety.

Requestor: Lela W. Dickerson, Mayor

Entity: City of Hollywood

SEC 85-018

November 21, 1984

**SUBJECT: CITY COUNCILWOMAN WITH INTEREST  
IN REZONING MATTER**

A city councilwoman would not be prohibited from participating in discussions and votes on a rezoning matter though she has signed a petition and spoke at a public hearing.

Requestor: Jessie D. Lewis

Entity: City of Mullins

SEC 85-016

November 21, 1984

**SUBJECT: REDEVELOPMENT AUTHORITY  
MEMBERS WITH INTERESTS IN PROJECT AREA**

The State Ethics Act does not prohibit redevelopment authority members from having business interests which may come under the jurisdiction of the Authority, however, the provisions of Section 8-13-460 would require disclosure and disqualification from any matters affecting those business interests.

Requestor: Douglas F. Dent

Entity: Greenville, SC

SEC 85-019

November 21, 1984

**SUBJECT: AIRPORT DISTRICT EMPLOYEE  
ORGANIZING TOURS**

An airport district employee is advised against accepting free airline tickets for arranging airline tours since the airport district is a regulatory agency and such gifts from regulated businesses are prohibited by Section 8-13-490.

Requestor: Robert H. Waddle

Entity: Columbia Airport Commission



SEC 85-020 November 21, 1984

**SUBJECT: CITY COUNCILMAN WITH RELATIVES INTERESTED IN ZONING MATTER**

A city councilman would not be prohibited from participating in deliberations and votes on a rezoning matter which may affect the financial interests of his in-laws.

Requestor: Wayne George

Entity: City of Mullins

SEC 85-021 November 21, 1984

**SUBJECT: HIRING OF EMPLOYEE RELATED TO CITY COUNCILMEMBERS**

City councilmembers who are closely related to applicants for the position of Clerk-Treasurer are advised against participation in matters affecting the hiring or retention or other matters affecting her financial interests to preclude even the appearance of impropriety.

Requestor: Lois Y. Martin, Mayor

Entity: City of Lane

SEC 85-022 November 21, 1984

**SUBJECT: COUNTY COUNCIL CANDIDATE ON BOARD OF LOCAL BANK**

A candidate for county council may serve on a bank board, however, he will be required to follow the procedures of Section 8-13-460 on matters directly affecting the bank. He may accept the check he receives each month for service on the bank board.

Requestor: John M. Smith, Attorney

Entity: Barnwell, SC

SEC 85-023 November 21, 1984

**SUBJECT: SCHOOL BOARD MEMBER PARTICIPATING IN MATTER AFFECTING HIS SPOUSE**

A school board member is advised against participation in a grievance matter filed with the District by his spouse in accordance with the provisions of Section 8-13-460.

Requestor: Sidney O. Mathis

Entity: Marion #1 Schools

SEC 85-024 January 16, 1985

**SUBJECT: POTENTIAL CONFLICTS OF INTERESTS—PLANNING COMMISSION MEMBERS**

Members of the Hilton Head Island Planning Commission who are associated with businesses which will be affected directly and substantially by the actions of that commission would be required to follow the disclosure and disqualification procedures of Section 8-13-460. The mere fact that these members are associated with businesses which may benefit from an action is not sufficient criteria to require disqualification, only if their interests would be directly affected. Also, no person may serve on a regulatory agency which regulates that person's business unless specifically provided by law.

Requestor: Benjamin M. Racusin, Mayor

Entity: City of Hilton Head Island

SEC 85-025 January 16, 1985

**SUBJECT: SCHOOL BOARD TRUSTEE WITH SPOUSE EMPLOYED IN SCHOOL DISTRICT**

The State Ethics Act does not prohibit the spouse of a school board member from being employed by the same school district, however, the board member is required to follow the disclosure and disqualification procedures of Section 8-13-460 on matters affecting his spouse's financial interests.

Requestor: Millard G. Smith

Entity: Anderson County Department of Education

SEC 85-026 January 16, 1985

**SUBJECT: REPRESENTATION OF CLIENTS BEFORE FORMER PUBLIC AGENCY**

A former state employee may not represent clients before the agency with which he previously served regarding any matter in which he participated. The former employee may represent the clients on matters in which he did not participate or which were not under his jurisdiction.

Requestor: Timothy G. Quinn, Attorney

Entity: Columbia, SC



## WEBBER ELECTED TO STEERING COMMITTEE

Dr. Clemmie Webber was elected to serve a three year term on the Steering Committee of the Council on Governmental Ethics Laws. Webber's election took place at the Council's annual conference in Seattle, Washington on December 3-5.

The Council is an association of state agencies which have responsibilities for ethics, campaign finance, and lobbying laws. The Council publishes a quarterly newsletter, an annual compilation of agency information, and conducts the annual conference.

Dr. Webber was appointed by Governor Richard Riley to the Commission in June 1983. She is a retired professor from South Carolina State College.

sactions, real estate interests, or lobbyist activity, or check not applicable block

(4) failure to sign the completed form

Common discrepancies for the Campaign Disclosure Form include:

(1) failure to itemize contributions of more than \$100

(2) failure to itemize campaign expenditures

(3) totals reported not agreeing with itemized totals

Forms which are incomplete are returned to the filer for completion and return to the Commission within ten days.

Any questions concerning the proper filing of the form may be referred to the Commission office at 758-7408, or 1122 Lady Street, Suite 930, Columbia, S.C. 29201.

## INCOMPLETE FORMS RETURNED

Through the years, the Commission staff has reviewed all forms being filed and returns incomplete or improperly filed forms to the filer. Common discrepancies for the Statement of Economic Interests includes:

(1) failure to include social security number

(2) failure to disclose compensation, or check not applicable block

(3) failure to disclose additional compensation, regulated business associations, business tran-

## MAG CARD TYPEWRITER FOR SALE

The Commission has an IBM Mag Card A typewriter for sale which is surplus to the needs of the agency. The typewriter is in good condition and is offered to any public agency for \$500. Call the office for details.

## State Ethics Commission

1122 Lady Street, Suite 930  
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